



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF:

The merger of Sermatech International Holdings)	LICENSE
Corporation into PRAXAIR SURFACE)	TRANSFERS
TECHNOLOGIES, INC., including a facility)	
in Biddeford, Maine)	Hazardous Waste;
(# O-7-RA-H-T, O-7-HV-I-T; A-643-71-)	Air Emissions

Pursuant to Maine law, the applicable provisions of 38 M.R.S.A., §§ 344(1) & (1-A), Maine DEP's *Rules Concerning the Processing of Applications*, 06-096 CMR 2; *Oil, Hazardous Materials, and Solid Waste* laws, 38 M.R.S.A., §§ 1301 *et seq.*; *Protection and Improvement of Air* laws, 38 M.R.S.A., §§ 581 to 610-A; and rules promulgated pursuant to these laws, the Maine DEP has considered the application of Praxair Surface Technologies, Inc. ("Praxair") with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

A. Application. Praxair submitted an after-the-fact application to Maine DEP for the transfer of licenses. The application sought to transfer to Praxair all active Maine DEP licenses, as defined in 06-096 CMR 2.1(J), any modifications, condition compliance orders, all other approvals, and all applications pending in the name of Sermatech International ("Sermatech") relating to a manufacturing facility in Biddeford, Maine (hereinafter referred to as the "Facility"). A schedule of permits and applications that were the subject of that application, and this Department Order, is set forth in Appendix A. Maine DEP accepted Praxair's license transfer application as complete for processing on 3/31/10. Under 06-096 CMR 2.21(C)(1), before the Department may transfer a license a transferee is required to demonstrate to the Department's satisfaction the financial and technical capacity and intent to: (a) comply with all terms and conditions of the applicable license, and (b) satisfy all applicable statutory or regulatory criteria.

B. History

- (1) The Transaction.** On December 3, 2009, Praxair entered into an Agreement of Merger with Sermatech by which all of Sermatech's assets were transferred to Praxair. The merger became effective December 31, 2009.
- (2) Operations.** Sermatech's operations included an industrial facility that develops and applies engineered protective coatings in Biddeford, Maine.

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2. TRANSFER REQUIREMENTS

The following information regarding Sermatech and Praxair was submitted in support of the transfer application:

- A. Full Name and Address.** The full name and address of the new owner is:
Praxair Surface Technologies, Inc.
39 Old Ridgebury Road
Danbury, CT 06810
- B. Certification.** Praxair certifies that there will be no increase in air emissions beyond that provided for in the existing licenses, either in quantity or type.
- C. Title, Right, or Interest.** Praxair submitted copies of the Agreement of Merger, and Certificate of Ownership and Merger, dated December 3, 2009, executed by Anthony M. Pepper, Assistant Secretary. The parties have provided sufficient evidence of title, right, or interest in the Facility to allow the transfer to Praxair of the Facility's licenses, permits, approvals, permits-by-rule, registrations, variances, certifications and amendments thereto, condition compliance orders, and pending applications.
- D. Financial Capacity and Intent.** Praxair submitted an Annual Report for 2009 documenting Praxair's current assets and liabilities. Praxair has demonstrated sufficient financial capacity and intent to assure compliance with all Maine DEP licenses, permits, approvals, permits-by-rule, registrations, variances, certifications and amendments thereto, condition compliance orders, pending applications, as well as any statutory and regulatory criteria applicable to the facilities.
- E. Technical Capacity and Intent.** Praxair submitted resumes of employees responsible for environmental compliance which satisfactorily document their technical ability to operate the Facility in accordance with applicable laws, regulations, and license and permit conditions. The Facility's regulatory history with the Maine DEP demonstrates that the environmental personnel are competent to properly manage the Facility. The information submitted in the application provides sufficient evidence that Praxair has the technical capacity and intent to comply with all Maine DEP licenses, permits, approvals, permits-by-rule, registrations, variances, certifications and amendments thereto, condition compliance orders, pending applications, and any statutory and regulatory criteria applicable to the Facility.

BASED ON THE ABOVE FINDINGS OF FACT, the Maine DEP CONCLUDES that Praxair has demonstrated the technical and financial capacity and intent to comply with the conditions of all Maine DEP licenses, permits, approvals, permits-by-rule, registrations, variances, certifications and amendments thereto, condition compliance orders and pending applications associated with the facilities described in this Order's findings, including specifically those

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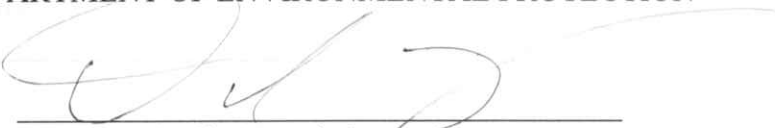
licenses and applications listed in Appendix A, and to satisfy all applicable statutory and regulatory criteria.

THEREFORE the Maine DEP APPROVES the application of Praxair Surface Technologies, Inc.

DONE AND DATED AT AUGUSTA, MAINE THIS 29th DAY OF APRIL 2010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:


David P. Littell, Commissioner

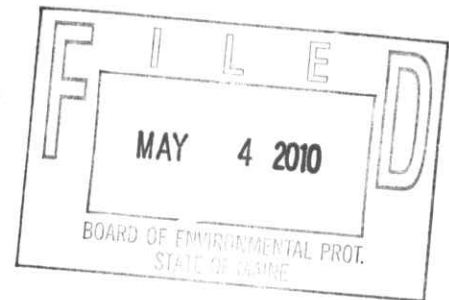
PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: March 29, 2010

Date application accepted for processing: March 31, 2010

Date filed with the Board of Environmental Protection _____

This order written by Malcolm C. Burson, Office of the Commissioner



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APPENDIX A: CURRENT LICENSES AND APPLICATIONS

AIR QUALITY ORDERS		
NUMBER	DESCRIPTION	APPROVED
AIR EMISSIONS LICENSES:		
A-643-71-K-R/A	CHAPTER 115 AIR EMISSIONS LICENSE	12/19/2008

HAZARDOUS MATERIALS ORDERS		
NUMBER	DESCRIPTION	APPROVED
<i>Hazardous waste</i> LAND DEVELOPMENT LICENSES:		
O-000007-HV-F-R	HAZARDOUS WASTE LICENSE	8/14/2007
O-000007-RA-D-N	HAZARDOUS WASTE RECYCLING LICENSE	6/15/2009